

13.03.00.00 - DESIGN PHASE

13.03.01.00 **General**

Activities generally performed in the design phase of a project are:

- Coordinate identification and verification of existing utilities.
- Assist in identification of utility facilities in physical conflict or in violation of the Department's utility accommodation policy.
- Assist in identification of all high and low risk utility facilities and coordinate the positive location of these facilities as required.
- Request preparation of an FNM-76 covering all utility facilities when identified.
- Prepare the Notice to Owner, Utility Agreement, and Report of Investigation for positive location.
- Bill the local agency pursuant to a Cooperative Agreement when there is one.
- Request and review Owner's relocation plans, claim of liability, and estimate of cost.
- Review and prepare encroachment exception requests for accommodation policy conflicts.
- Coordinate planned placement of utility facilities on structures.
- Prepare "Special Provisions."
- Prepare the Notice to Owner, Utility Agreement, and Report of Investigation for relocations.

13.03.01.01 **Commencement of Design**

The approved Project Report (and Environmental Clearance) is the final document that authorizes a highway project to proceed to design. Upon receiving this report, the Utility Coordinator and Project Engineer commence the detailed utility verification and relocation design process.

As a first step, the Utility Coordinator shall arrange a meeting with all impacted Owners, the Project Engineer, and a Structures Representative if a structure (bridge) is involved. The meeting purpose is to:

- Discuss the general project.
- Identify utility impacts.
- Discuss alternative solutions to highway/utility conflicts.
- Identify need for Owner required utility consultants.
- Identify required new utility right of way.
- Determine a schedule for future coordination meetings.

NOTE: The District Utility Coordinator is responsible to take a proactive role to help ensure that all projects are proceeding in a timely manner and that verifications are requested for all projects.

13.03.01.02 **Identification and Protection of Utility Facilities**

Government Code Section 4215 states that the public agency shall assume responsibility for protecting utility facilities not identified in the plans and specifications for the project. Every reasonable effort, therefore, should be made to locate all existing facilities and delineate their locations on project plans. The law is not restricted to hidden or underground facilities. A clearly obvious above-ground facility located within the project must also be included if the facility will remain within the project.

The State's contractor is required to take reasonable and prudent steps to ascertain the exact location of underground facilities. If the contractor has done so but still damages a facility not shown on the plans, the State may be responsible for damages to the facility and all resulting protection requirements.

13.03.01.03 **Utility Facility Avoidance**

The taxpayer/ratepayer ultimately pays the cost of utility relocations, whether paid for by the State or the Owner. As a result, the Project Engineer should be encouraged to design highway facilities to miss utility facilities where practicable and cost effective.

A design-to-miss approach may also assist in faster project delivery, particularly where impacted utility facilities require complex relocations or special ordered material.

13.03.01.04 **Design of Utility Facility Relocations**

The facility owner shall be responsible for design of all utility facility relocations. The only exception is when the Owner has requested the State to perform the design and construction will be done as part of the highway construction project. The design and construction of the relocation shall be included in a Utility Agreement, and the Utility Coordinator shall remain the primary point of contact for liability and coordination of work activities between Owner and State.

13.03.01.05 **Replacement Right of Way for Utility Facilities**

Acquisition of a replacement right of way for relocated utility facilities may become a major obstacle to timely relocation. Utilities, like highways, are an essential service for users and cannot be severed for lack of an alternate replacement location. Either the State or the Owner can do the acquisition. If done by the State, needs must be identified early for inclusion in the State's own acquisition program.

When the District Utility Coordinator determines that State acquired replacement right of way is needed, the Owner's plans are forwarded to the Project Engineer for inclusion in the State's highway design. The Project Engineer will prepare plans and forward them to District R/W for acquisition.

For more discussion on right of way acquisition for Owners, see Section 13.03.06.00.

13.03.01.06 **Utility Consultant Design Requirements**

Relocation work is normally done by the Owner's employees. If the Owner is unable to perform their own design or elects to have design work done by a consultant, and the design costs are to be reimbursed by the State, the Utility Coordinator must discuss with the Owner the State's need to review the Owner's consultant selection process to ensure reasonable consultant costs. For a detailed discussion on consultant agreements, see Section 13.14.04.00.

13.03.02.00 **Utility Verifications**

The Project Engineer is responsible to identify and locate all utility facilities that lie within the right of way boundaries of the planned construction project. This is accomplished through a joint field review of the project area by the Project Engineer and the Utility Coordinator, as well as asking for specific verification of facilities from each Owner that may have facilities within the project area. The need for this identification and verification is twofold:

- To identify all potential utility/project conflicts so they may be cleared before project construction commences.
- To meet the requirements of Government Code Section 4215, which states in part that all utility facilities shall be identified on the State's project plans and if not so identified, the State shall be liable for all resulting damages to the facilities.

13.03.02.01 **Geometric Base Maps**

The Project Engineer develops geometric base maps (base maps) that are used as the base for identifying all known existing facilities within the project limits. Identification is a necessity even if proposed construction is entirely within existing rights of way. The Project Engineer will obtain this initial utility information from the following sources and delineate it on the base maps.

- State's as-built construction drawings for prior projects.
- Ground and aerial surveys.
- Encroachment Permit files.

- Field review of the project.
- R/W Utility files.

The base maps will also show existing and proposed right of way lines, as well as existing and proposed access control lines, where applicable. Three sets of base maps are required for each Owner involvement (two sets for the Owner and one set for the Utility Coordinator's files).

13.03.02.02 **Utility Verification Request to Owner**

The Utility Coordinator sends the base maps to each Owner with known, existing, or potentially existing facilities within the project area. The request letter should include the elements shown in Exhibit 13-EX-10. Normally, the Owner is allowed 30 days to respond. The Utility Coordinator is responsible for follow-up to ensure timely completion of verification.

13.03.02.03 **Owner's Verification of Facilities**

Upon receipt of the Owner's verification of facilities lying within the project, the Utility Coordinator:

- Transmits Owner's verified facility locations to the Project Engineer for review and inclusion on project plans.
- Assists the Project Engineer in identifying utility facilities in conflict with the State's accommodation policy.
- Assists the Project Engineer in identifying high and low risk facilities.

If no physical or utility accommodation policy conflicts are identified, the Utility Coordinator notifies each Owner involved in the verification process of the finding. The letter advising them must include the elements shown in Exhibit 13-EX-11.

13.03.03.00 **Positive Location of Underground Facilities**

To accurately determine the type and location of all potentially impacted utility facilities, it is frequently in the State's and Owner's mutual interest to provide positive location of underground facilities. The process of obtaining this information may require that an excavation be made to expose the facility and allow the precise location to be surveyed to the State's datum. The excavation to expose the facility is frequently referred to as "potholing." Refer to Caltrans' Policy on High and Low Risk Underground Facilities Within Highway Rights of Way (Exhibit 13-EX-3).

The Project Engineer is responsible to determine when positive location is required, usually whenever facilities are known to exist within the project construction area but cannot be precisely located, particularly as to depth. Without precise location information, physical conflicts within the project cannot be determined nor safe construction assured.

The Utility Coordinator shall provide reasonable notice to the Owner to accomplish positive location of underground utility facilities and is responsible for determining liability for costs in accordance with usual liability requirements. The Utility Coordinator shall provide the required Encroachment Permit with the Notice or assist Owner in obtaining it.

13.03.03.01 **Positive Location Requirements for High Risk Facilities**

All underground high risk facilities lying within the construction area of a project shall be positively located in accordance with Caltrans Policy on High and Low Risk Underground Utility Facilities Within Highway Rights of Way (Exhibit 13-EX-3). The Project Engineer is responsible to ensure the policy requirements have been met and to provide a certification to that effect as part of the PS&E.

The Project Engineer makes a written request to the Utility Coordinator to obtain positive location information for all utility owned high risk facilities that may be in physical conflict with planned construction or that may be exposed to risk of damage during construction. The request must identify the location where the high risk facilities are to be positively located and include three sets of base maps for each utility involvement (two sets for

the Owner and one set for the Utility Coordinator's files). The Utility Coordinator arranges a meeting between the Owner and the Project Engineer to go over the plan for determining positive location requirements.

The Project Engineer is also responsible for obtaining the necessary positive location information on Caltrans owned high risk facilities and for including this information on project plans; the Utility Coordinator is not involved.

13.03.03.02 **Liability for Ordered Positive Locations**

Liability is determined using the same rules that are applied to normal relocation. The liability is based on the occupancy rights possessed by the State and Owner as to each positive location site. Exhibits 13-EX-12 and 13-EX-13 provide sample letters for requesting liability information and issuance of the Notice.

NOTE: See Section 13.06.03.04 for expedited procedures for issuance of the Notice and Section 13.05.04.02 for lump-sum payments.

13.03.03.03 **Utility Coordinator Responsibilities**

The Utility Coordinator is responsible to coordinate all positive location requirements specified in the Notice to Owner. Duties performed generally consist of:

- Follow-up to ensure the positive location work will be done by the date specified in the Notice to Owner.
- Arrange for necessary inspections with the applicable office/branch.
- Coordinate with Surveys to obtain required horizontal and vertical location data for utility facilities. See Exhibit 13-EX-3 for high and low risk positive location requirements.
- Ensure that survey information is transmitted to the Project Engineer for inclusion in the contract plans.
- Assist in identifying longitudinal utility facilities not meeting the utility accommodations and high risk facilities policies.

13.03.03.04 **Project Engineer Responsibilities**

The Project Engineer is responsible to:

- Plot survey information on the contract plans.
- Identify "physical" conflicts.
- Prepare utility conflict maps.
- Recommend all existing or new utility accommodation policy exceptions to PP&D for approval in accordance with the Department's Encroachment Permit Handbook. (See Exhibit 13-EX-4.)

13.03.04.00 **Utility Conflicts Identified**

The Project Engineer is responsible to review all existing utility locations for conflicts, determine which facilities need to be relocated, and make a written request to the Utility Coordinator to obtain affected Owner's relocation plans. The Project Engineer will provide the Utility Coordinator with conflict maps (see Section 13.03.04.03) for the Owner to use to prepare relocation plans. The Utility Coordinator sends conflict maps to the Owner and requests relocation plans, their claim of liability, and estimate of cost. (See Section 13.03.04.04.)

Some conflicts may not be immediately evident on the plans, such as stage construction requirements, detours, pile-driving operations, signal and lighting facilities, longitudinal encroachments, and encasement exception requirements. The Utility Coordinator shall review all plans with the Project Engineer for possible conflicts with all facilities within the project.

If after reviewing all utility information, including positive location data, it is determined there are no conflicts with the State's proposed construction project, the Utility Coordinator must notify the Owner of such. The letter advising them must include the elements shown in Exhibit 13-EX-11. The Utility Coordinator is responsible to arrange a meeting with all affected Owners, the Project Engineer, and a Structures representative if a structure (bridge) is involved. The meeting purpose is to discuss the project, identify needed relocations, and work out the most economical and practical

solutions consistent with highway and utility design standards.

If a Local Public Agency (LPA) Cooperative Agreement with cost sharing is involved, the Utility Coordinator must ensure the LPA is billed for their share of the estimated total relocation costs for all Owners. See Section 13.12.00.00 for procedures in dealing with Cooperative Agreement projects.

Once all utility facilities have been identified, the FNM-76 (if a federal aid project) can be prepared and transmitted to P&M for processing. See Section 13.14.00.00 for more discussion on federal aid projects.

The District Utility Coordinator is responsible to ensure that all budgeting information (R/W Data Sheet) is up to date. If the information has changed, the Utility Coordinator should update the data. A sample memorandum to P&M for updating PYPSCAN information is shown in Exhibit 13-EX-14.

13.03.04.01 **Clearing Exceptions to Utility Accommodation Policy for Freeways**

Caltrans' basic accommodation policy for utilities within freeways allows subsurface transverse crossing after approval of an encroachment permit. The policy prohibits surface encroachment within the access control lines. New freeway projects containing utility facilities within the project limits that are in violation of this policy must be relocated to clear the project. PP&D must approve exceptions to this clearance requirement prior to R/W Certification. (See Exhibit 13-EX-4.)

Selected projects exempt from a review of utility facilities in violation of this accommodation policy are:

- A. Planting or planting restoration projects.
- B. Resurfacing, drainage, safety, etc., that do not result in the edge of the traveled way being moved closer to the encroaching utility facility.
- C. Any improvement project to an existing highway that is part of the State's Freeway and Express System but functions as a conventional highway and does not include acquisition of access rights from adjoining properties.

Longitudinal installations or crossing support facilities may be allowed to remain within the access controlled area in extreme cases, after PP&D approval, with the following restrictions.

- A. The facility must be a public utility facility.
- B. The facility must not adversely affect highway safety, maintenance, and traffic operations.
- C. The facility should be installed outside the desired clear recovery zone where reasonable.
- D. Relocation of the facility would be inordinately difficult or unreasonably costly.
- E. Access for construction and maintenance of a facility located within the access controlled area must be from other than the traveled way of the freeway, such as from adjoining frontage roads or nearby streets or trails.
- F. Utility service connections to adjacent properties shall not be permitted.
- G. All underground high/low risk facilities shall meet Caltrans' established policy and procedures as set forth in the "Policy On High And Low Risk Underground Facilities Within Highway Rights Of Way" (Exhibit 13-EX-3).

13.03.04.02 **Identify CURE Conflicts**

The State has a program to "Clean Up the Roadside Environment" (CURE) that is a federal and State program for removing fixed objects from within the clear recovery areas adjacent to the traveled way of State highways. The purpose of CURE is to remove fixed objects such as signs, trees, culvert heads, and utility poles from within the clear recovery areas, thus improving the recovery opportunity for errant vehicles leaving the traveled way. CURE is to be part of every new project undertaken on rural high speed highways. The objective is to reduce accidents by removing fixed objects within identified Clear Recovery Zones (CRZ). Procedures for handling CURE projects are presently being developed.

13.03.04.03 **Conflict Maps**

Utility conflict maps are essentially the State's preliminary layout sheets for the PS&E. They should show any construction feature that may affect the Owner's facilities including, but not limited to, the following:

- Utility location
- Right of Way lines
- Cross Sections
- Profile
- Drainage
- Stage Construction
- Bridge Structure

13.03.04.04 **Request for Relocation Plans,
Claim of Liability, and
Estimate of Cost**

Prior to issuing the Notice to Owner, Utility Agreement, and Encroachment Permit, the Utility Coordinator must obtain the Owner's claim of liability, estimate of cost, and relocation plan. An exception can be made for expedited positive location. See Section 13.06.03.04.

The letter to the Owner must include the elements shown in Exhibit 13-EX-9 and normally allows the Owner 60 to 120 days to respond.

13.03.04.05 **Receipt of Relocation Plans,
Claim of Liability, and
Estimate of Cost**

Upon receiving the Owner's relocation plans, the Utility Coordinator routes the plans to the Project Engineer for review and approval, comparison with other Owners' plans for compatibility, and review for compliance with the Department's "High and Low Risk Underground Facilities Within Highway Rights of Way" policy (Exhibit 13-EX-3) and the Caltrans Utility Accommodation Policy. Any exceptions to the Accommodation Policy are usually handled at this step (see Exhibit 13-EX-4).

The district's Environmental Branch should review the Utility Relocation Plans whenever there is a possible relocation of 50KV and higher power lines and/or electrical substations, to ensure inclusion in and/or changes to the Department's environmental document.

The District Utilities Coordinator has basic responsibility for reviewing all relocation plans to

determine that they provide a cost effective functional restoration of the utility facility. Betterments should be identified and all elements of the planned relocation must be necessary and appropriate. The Utility Coordinator may solicit technical engineering support but cannot shift this responsibility to the Project Engineer. The Coordinator shall make the final call.

Where any portion of the utility work claimed by the Owner is to be at State expense, the Utility Coordinator must review the Owner's claim letter that sets forth the basis for the State's liability and the estimated cost of relocation. When the claim of liability and estimate of cost are found acceptable, the Utility Coordinator prepares the Report of Investigation (ROI) package for transmittal to Headquarters R/W or the authorized district persons.

13.03.04.06 **Special Provisions**

All utility facilities to be relocated, abandoned, or protected in place during construction, whether done by the State's contractor or Owner, are to be addressed in the construction contract's "Special Provisions." The Utility Coordinator is responsible to provide the Project Engineer with the information necessary to prepare these clauses for inclusion in the "Special Provisions." Failure to do so may result in claims by the State's contractor for right of way delays.

NOTE: All Utility facilities remaining within the project limits at start of construction shall be delineated on the state's plans.

13.03.05.00 **Utilities on Structures**

Occasionally utility facilities that are located on an existing bridge must be relocated to a new structure as a result of a rebuild. Also, utilities currently in an underground or aerial position may be relocated into a structure as part of the relocation plan. In these situations, special conditions that require early coordination with Structures must be met so Owner needs can be included in both the plans and project specials.

13.03.05.01 **Coordination Requirements**

The placement of utility facilities on structures requires special coordination between the Owner, Caltrans, and the highway contractor as to who provides what material, who installs it, Owners time frame for required installations, who pays for what and when, etc. Structures has produced a form (Exhibit 13-EX-7) to obtain needed information.

Structures must be advised as early as possible of any Owner's desire to install utility facilities on a structure. The Utility Coordinator is responsible for forwarding the form to the Owner for timely completion and subsequent return to Structures through the Project Engineer. See Exhibit 13-EX-8 for a sample transmittal letter to the Owner.

If Structures finds the preliminary information acceptable, they advise the Utility Coordinator through the Project Engineer. The Owner should then submit detailed installation plans by the date Structures specifies. The Utility Coordinator then requests the Owner's estimate of cost and claim of liability (see Section 13.03.04.04). The Owner should normally be given a minimum of 60 days to prepare plans (see Exhibit 13-EX-9).

If Structures does not find the preliminary plans acceptable, they inform the Project Engineer. The Utility Coordinator conveys this decision to the Owner and advises them to redesign or develop plans not using the structure. A meeting may be necessary to resolve differences.

13.03.05.02 **Guidelines for Utilities on Structures**

Structures has established guidelines that define size limitations and special design requirements for utility installations on bridge structures. These guidelines, shown in the table entitled Guidelines for Utilities on Structures on the following page,

apply to normal installations where utilities are installed in a box girder cell, suspended between girders (I or T-girder structure types), or in sidewalk slab. Unusual utilities must be analyzed on a case-by-case basis. The Project Engineer should make preliminary decisions on possible utility placement on the bridge before design of the structure has begun. See the box on the next page: "Guidelines for Utilities on Structures."

13.03.06.00 **Utility Acquisitions**

Public utility facilities impacted by highway construction normally have a functional replacement constructed and are seldom acquired. Exceptions are where the facilities are for administrative or other non-utility service uses.

The distinction between a public utility service use versus a non-utility use may be based on whether severance of the particular improvement directly affects utility service to one or more customers. An improvement that is determined to be a non-utility, e.g., corporate office, is appraised and acquired in the usual fashion.

The distinction between a public utility service and similar facilities that may only provide service to the Owner is frequently confusing (see Section 13.01.01.03). These improvements are appraised and acquired in the usual manner.

An exception to the purchased acquisition of private facilities is permissible for major oil companies where the Owner has agreed to application of standard rules on the functional replacement of facilities.

13.03.06.01 **Uniform Acquisition Act Requirements**

When the State or LPA acquires replacement right of way, the requirements of the Uniform Relocation Assistance And Real Property Acquisition Policies Act of 1970 (Uniform Act) and the Surface Transportation and Uniform Relocation Assistance Act of 1987 and its amendments to the Uniform Act apply.

When a privately-owned utility acquires their own replacement right of way, the requirements of the Uniform Act do not apply.

GUIDELINES FOR UTILITIES ON STRUCTURES (Section 13.03.05.02)	
Description	Explanation
Size	The maximum allowable utility size depends on structural constraints. When the utility depth, including its casing, exceeds one-third the bridge structure depth accommodating the utility is difficult. Any utility or its casing over 500 mm may not be acceptable, and Structures Design or Structures Maintenance must be consulted. The maximum diameter conduit allowed in sidewalks is 100 mm.
Type	<ol style="list-style-type: none"> 1. Electrical - The maximum voltage allowed in an electrical line is 69kv. High voltage installations in the sidewalk portions of the structure are strongly discouraged. Installing high voltage lines in box girder cells or between girders is preferable. Exceptions to this policy should be directed to Structures Design or Structures Maintenance. 2. High Pressure Water and Sewer - The maximum diameter carrier pipe or casing allowed is 500 mm. The maximum operating pressure of a 500 mm carrier line is 690 kpa. Full length casing is required for all installations, but exceptions may be allowed for facilities in box girder bridges. 3. Volatile Gas - Installation must conform to Structures "Guidelines For Natural Gas Pipelines On Caltrans Bridges."
Combinations of Utilities	Volatile fluids, gases, or high voltage lines shall not occupy the same cell or area between girders with any other utility or with each other.
Seismic Design Requirements	<p>Owners of facilities carrying volatile fluids, gases, or high pressure fluids must be provided with the following options to be used when designing their facilities for expected seismic movement within the structure.</p> <ol style="list-style-type: none"> 1. For existing structures, design for an expected minimum horizontal and/or vertical displacement of 60 mm. For new structures, design the facilities for an expected movement of 60 mm. 2. Provide an event-actuated device that will automatically shut off the utility line. 3. Provide a device that will detect a break in the utility line (and casing) and automatically shut off the utility line. 4. Locate the utility line off the bridge.

13.03.06.02 **Acquisition From the Utility Owner**

Properties that lie in the path of transportation projects and are held in fee by Utility Owners must be purchased outright or exchanged.

Generally, most fee-owned property is for substations or pumping plants, although some Owners have fee-owned corridors for transmission purposes. (See the table entitled Acquisition from the Utility Owner on the following page.)

ACQUISITION FROM THE UTILITY OWNER (Section 13.03.06.02)	
Type	Requirement
Fee-owned	<p>All fee-owned property is acquired by R/W Contract and Deed. Terms of the R/W Contract depend on whether the property in question is vacant or improved, and whether it is a site or a corridor. In all cases, the Utility Coordinator should consult with Acquisition to reach a full understanding about what the property is and how it may be used, now and in the future. Things to look for include:</p> <ol style="list-style-type: none"> 1. Vacant Site - The Owner may be holding the site for future use in conjunction with an existing facility, such as for a substation expansion. 2. Vacant Corridor - Although treatment is similar to a vacant site, the possibility of easement acquisition on the Owner's behalf or JUA/CCUA should be explored. 3. Utility Facility Improved Site - Replacement of the site is usually necessary. If done, Acquisition may handle via a R/W Contract. Relocation or rearrangement of utility facilities shall be handled by Utility Agreement in coordination with Acquisition. 4. Utility Facility Improved Corridor - Same as for an improved site; however, the possibility of replacing fee with easement or JUA/CCUA should be explored. Access to the replacement corridor must be considered. 5. Non-Utility Occupied - Acquire via normal appraisal/acquisition procedures.
Easement-owned	<ol style="list-style-type: none"> 1. Utility Occupied - Occupied easements are usually for transmission or distribution of the Owner's product. Where a replacement right of way is needed, the State or the Owner may acquire an easement. Usually the Owner's existing easement interest is quitclaimed to the State in exchange for the new location by executing a JUA/CCUA as a part of the utility relocation. 2. Non-utility Occupied - Acquisition is responsible for clearance of vacant easements.
Franchise/ Permit Rights	<p>Except as noted below the State is not obligated to provide a replacement right of way for utility facilities installed under a franchise or permit. In some cases the State may need to make the method of installation for safety or other good reason a requirement for occupancy under an Encroachment Permit. For instance, the most common requirement is that the facility cannot continue to be installed within the right of way as an aerial facility. If the Owner does not meet our requirements for relocation within the new right of way, the Owner is responsible to provide any needed easement at their own expense.</p> <p>The exception is for facilities located within a freeway that will be relocated under S&H Code Section 702. Under Section 702 the State is obligated to provide a replacement easement if one is needed. Section 702 does not apply to Owners with master contracts that contain language superseding Section 702.</p>

13.03.06.03 **Acquisition for the Utility
Owner (Replacement Right of
Way)**

If the Utility Owner has superior occupancy rights, the State can acquire the needed replacement right of way. The Owner normally selects the replacement right of way location, subject to the normal constraint of providing for necessary functional replacement only. Either the State or the Owner may accomplish the acquisition. If the replacement location crosses a parcel where the State is to make a highway acquisition, the preferred acquisition method is to include it in the State's acquisition program. The State may acquire the replacement right of way by one of the following methods (in order of preference):

- Acquired in the name of the Owner, preferably on the Owner's own deed form.
- Acquired in the name of the State by deed and subsequently conveyed to the Owner by Director's Deed.
- Use of State-owned (or to be acquired) excess land. Care must be exercised in making any commitments regarding acquisition of excess land. Liaison with Excess Land should be maintained so easements are reserved in excess land conveyances.

If the utility facility being displaced is not in a superior right status, the State may acquire the replacement utility easement as a convenience to and at the expense of the Owner, but cannot condemn for it. Where the facility was in an encroachment permit status only (non-prior rights), replacement utility easements must never be acquired at State expense as this would constitute a gift of public funds.

13.03.06.04 **Consent to Condemnation for
Exchange Purposes From the
Owner**

Condemnation may be necessary if the State is unable to acquire the replacement right of way

through normal negotiations. A "Consent of Owner to Condemnation for Exchange Purposes" must be obtained from the Owner pursuant to Code of Civil Procedure Section 1240.320 to support a "Resolution of Necessity" from the CTC.

Individual consent forms need not be secured on each condemnation for the Owners listed below that have a basic form of consent on file with the State.

- **Pacific Gas And Electric Company** (Exhibit 13-EX-15A) - The State can condemn for PG&E without additional authorization, except that easement needs and location must have PG&E's prior acceptance.
- **Southern California Edison Company** (Exhibit 13-EX-15B) - SCEC requires the Company's written approval of both the complaint form and easement location.
- **Pacific Bell Telephone Company** (formerly Pacific Telephone And Telegraph Company) (Exhibit 13-EX-15C) - Pacific Bell requires the Company's written approval of the easement location.
- **Southern California Gas Company** (Exhibit 13-EX-15D)
- **General Telephone Company** (Exhibit 13-EX-15E)

For Owners that do not have a consent form on file, the Utility Coordinator shall prepare a consent form based on the accepted filed forms and forward it to the Owner for execution on an individual parcel basis.